

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)

1. SEE NOTICE ON REVERSE.

2. PLEASE TYPE OR PRINT.

3. STAPLE ALL ADDITIONAL PAGES

Case Caption: In re Facebook, Inc. IPO Securities & Derivative Litigation Lidia Levy v. Mark Zuckerberg, et al.	District Court or Agency: U.S. District Court, S.D.N.Y.	Judge: Robert W. Sweet
	Date the Order or Judgment Appealed from was Entered on the Docket: 4/22/14	District Court Docket No.: 1:12-md-02389-RWS 1:12-cv-7815-RWS
	Date the Notice of Appeal was Filed: 4/28/14	Is this a Cross Appeal? Yes <input checked="" type="checkbox"/> No

Attorney(s) for Appellant(s): <input checked="" type="checkbox"/> Plaintiff Defendant	Counsel's Name: Geoffrey M. Johnson Scott+Scott, Attys at Law, LLP	Address: 12434 Cedar Rd., Ste. 12 (216) 229-6088 (860) 537-4432 Cleveland Heights, OH 44106	Telephone No.: gjohnson@scott-scott.com	Fax No.: 	E-mail:
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Attorney(s) for Appellee(s): Plaintiff <input checked="" type="checkbox"/> Defendant	Counsel's Name: Andrew B. Clubok Kirkland & Ellis LLP	Address: 601 Lexington Ave. (212) 446-4800 New York, NY 10022	Telephone No.: (212) 446-4900	Fax No.: andrew.clubok@kirkland.com	E-mail:
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Has Transcript Been Prepared? n/a	Approx. Number of Transcript Pages: n/a	Number of Exhibits Appended to Transcript: n/a	Has this matter been before this Circuit previously? If Yes, provide the following: Case Name: 2d Cir. Docket No.: Reporter Citation: (i.e., F.3d or Fed. App.)	Yes <input checked="" type="checkbox"/> No
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ADDENDUM "A": COUNSEL MUST ATTACH TO THIS FORM: (1) A BRIEF, BUT NOT PERFUNCTORY, DESCRIPTION OF THE NATURE OF THE ACTION; (2) THE RESULT BELOW; (3) A COPY OF THE NOTICE OF APPEAL AND A CURRENT COPY OF THE LOWER COURT DOCKET SHEET; AND (4) A COPY OF ALL RELEVANT OPINIONS/ORDERS FORMING THE BASIS FOR THIS APPEAL, INCLUDING TRANSCRIPTS OF ORDERS ISSUED FROM THE BENCH OR IN CHAMBERS.

ADDENDUM "B": COUNSEL MUST ATTACH TO THIS FORM A LIST OF THE ISSUES PROPOSED TO BE RAISED ON APPEAL, AS WELL AS THE APPLICABLE APPELLATE STANDARD OF REVIEW FOR EACH PROPOSED ISSUE.

PART A: JURISDICTION			
1. <u>Federal Jurisdiction</u>		2. <u>Appellate Jurisdiction</u>	
U.S. a party Federal question (U.S. not a party)	Diversity <input checked="" type="checkbox"/> Other (specify): <u>basis for jurisdiction not ruled on</u>	<input checked="" type="checkbox"/> Final Decision Interlocutory Decision Appealable As of Right	Order Certified by District Judge (i.e., Fed. R. Civ. P. 54(b)) Other (specify): _____

IMPORTANT. COMPLETE AND SIGN REVERSE SIDE OF THIS FORM.

PART B: DISTRICT COURT DISPOSITION (Check as many as apply)

1. Stage of Proceedings <input checked="" type="checkbox"/> Pre-trial <input type="checkbox"/> During trial <input type="checkbox"/> After trial	2. Type of Judgment/Order Appealed <input type="checkbox"/> Default judgment <input type="checkbox"/> Dismissal/FRCP 12(b)(1) <input type="checkbox"/> lack of subj. matter juris. <input checked="" type="checkbox"/> Dismissal/FRCP 12(b)(6) <input type="checkbox"/> failure to state a claim <input type="checkbox"/> Dismissal/28 U.S.C. § 1915(e)(2) <input type="checkbox"/> frivolous complaint <input type="checkbox"/> Dismissal/28 U.S.C. § 1915(e)(2) <input type="checkbox"/> other dismissal	3. Relief <input checked="" type="checkbox"/> Damages: <input type="checkbox"/> Injunctions: <input type="checkbox"/> Sought: \$ _____ <input type="checkbox"/> Granted: \$ _____ <input type="checkbox"/> Denied: \$ _____

PART C: NATURE OF SUIT (Check as many as apply)

1. Federal Statutes <input type="checkbox"/> Antitrust <input type="checkbox"/> Bankruptcy <input type="checkbox"/> Banks/Banking <input type="checkbox"/> Civil Rights <input type="checkbox"/> Commerce, <input type="checkbox"/> Energy <input type="checkbox"/> Commodities <input type="checkbox"/> Other (specify): _____	<input type="checkbox"/> Communications <input type="checkbox"/> Consumer Protection <input type="checkbox"/> Copyright □ Patent <input type="checkbox"/> Trademark <input type="checkbox"/> Election <input type="checkbox"/> Soc. Security <input type="checkbox"/> Environmental	<input type="checkbox"/> Freedom of Information Act <input type="checkbox"/> Immigration <input type="checkbox"/> Labor <input type="checkbox"/> OSHA <input type="checkbox"/> Securities <input type="checkbox"/> Tax	2. Torts <input type="checkbox"/> Admiralty/ <input type="checkbox"/> Maritime <input type="checkbox"/> Assault / <input type="checkbox"/> Defamation <input type="checkbox"/> FELA <input type="checkbox"/> Products Liability <input type="checkbox"/> Other (Specify): _____	3. Contracts <input type="checkbox"/> Admiralty/ <input type="checkbox"/> Maritime <input type="checkbox"/> Arbitration <input type="checkbox"/> Commercial <input type="checkbox"/> Employment <input type="checkbox"/> Insurance <input type="checkbox"/> Negotiable <input type="checkbox"/> Instruments <input type="checkbox"/> Other Specify	4. Prisoner Petitions <input type="checkbox"/> Civil Rights <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Mandamus <input type="checkbox"/> Parole <input type="checkbox"/> Vacate Sentence <input type="checkbox"/> Other
5. Other <input type="checkbox"/> Forfeiture/Penalty <input type="checkbox"/> Real Property <input type="checkbox"/> Treaty (specify): _____ <input type="checkbox"/> Other (specify): _____	6. General <input type="checkbox"/> Arbitration <input type="checkbox"/> Attorney Disqualification <input type="checkbox"/> Class Action <input type="checkbox"/> Counsel Fees <input checked="" type="checkbox"/> Shareholder Derivative <input type="checkbox"/> Transfer	7. Will appeal raise constitutional issue(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Will appeal raise a matter of first impression? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

1. Is any matter relative to this appeal still pending below? <input checked="" type="checkbox"/> Yes, specify: <u>see Addendum C</u> <input type="checkbox"/> No			
2. To your knowledge, is there any case presently pending or about to be brought before this Court or another court or administrative agency which: (A) Arises from substantially the same case or controversy as this appeal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (B) Involves an issue that is substantially similar or related to an issue in this appeal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, state whether "A," or "B," or <input checked="" type="checkbox"/> both are applicable, and provide in the spaces below the following information on the <i>other</i> action(s):			
Case Name: In re Facebook, Inc. IPO Securities & Derivative Litigation	Docket No. 14-cv-457; 13-cv-2830; 13-cv-789	Citation:	Court or Agency: Second Circuit Court of Appeals
Name of Appellant: <u>see Addendum C</u>			

Date: 5/12/14	Signature of Counsel of Record: /s/ Joseph P. Guglielmo
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NOTICE TO COUNSEL

Once you have filed your Notice of Appeal with the District Court or the Tax Court, you have only 14 days in which to complete the following important steps:

1. Complete this Civil Appeal Pre-Argument Statement (Form C); serve it upon all parties, and file it with the Clerk of the Second Circuit in accordance with LR 25.1.
2. File the Court of Appeals Transcript Information/Civil Appeal Form (Form D) with the Clerk of the Second Circuit in accordance with LR 25.1.
3. Pay the \$505 docketing fee to the United States District Court or the \$500 docketing fee to the United States Tax Court unless you are authorized to prosecute the appeal without payment.

PLEASE NOTE: IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS WITHIN 14 DAYS, YOUR APPEAL WILL BE DISMISSED. SEE LOCAL RULE 12.1.